

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Cornelius Borst et al.

Examiner: R. Nasser

Serial No.: 09/678,203


Group Art Unit: 3736

Filing Date: 10/02/2000

Docket No.: P-3875.09

Title: METHOD AND APPARATUS FOR TEMPORARILY IMMOBILIZING A LOCAL AREA OF TISSUE

CERTIFICATE OF MAILING UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of August, 2004.


Signature
Barbara J. Lakanen
Printed Name

PETITION UNDER 37 C.F.R. SECTION 1.78(a)(3) TO CORRECT PRIORITY CLAIM

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Petitioner, Medtronic, Inc., herein petitions to correct the priority claim of the above-identified application. The correct priority claim should be:

This application is a continuation-in-part application claiming priority from U.S. patent application Serial No. 09/493,466 filed January 28, 2000 now U.S. Patent No. 6,371,906, which is a divisional of prior U.S. patent application Serial No. 09/334,531 filed June 16, 1999 now

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Adjustment Date: 10/07/2004 AKELLEY
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U.S. Patent No. 6,364,826, which is a divisional of prior U.S. patent application Serial No. 08/725,371 filed October 3, 1996 now U.S. Patent No. 6,015,378, which is a continuation-in-part of prior U.S. patent application Serial No. 08/531,363 filed September 20, 1995 of Borst et al. entitled METHOD AND APPARATUS FOR TEMPORARILY IMMOBILIZING A LOCAL AREA OF TISSUE now U.S. Patent No. 5,836,311.

Please delete the previous claim of priority and replace it with the above corrected claim of priority.

The entire delay between the date the claim of priority was due under 37 C.F.R. Section 1.78 (a)(2)(ii) and the date of this petition was unintentional.

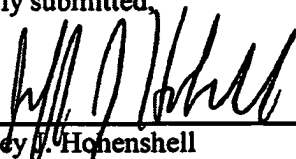
I hereby declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Please charge \$1,330.00 to Deposit Account No. 132546 for the surcharge fee required by 37 C.F.R. 1.17(t). Please charge any additional required fees for the entry of this petition or credit any overpayment to Deposit Account No. 132546.

Registration Number 34,109	Telephone Number 763-391-9661
Date <i>August 20</i> , 2004	

Respectfully submitted,

By



Jeffrey J. Hopenhell
Senior Patent Counsel